

## REMARKS

This communication is responsive to Office Action of November 30, 2004 in which the following objections were raised: [2] Claim 9 was objected to due to informalities; [3] the disclosure was objected to due to informalities; [3-4] Claims 1-5, 10, 12-13, 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. U.S. Patent 6,754,261 B1 in view of Uesugi et al. U.S. Patent 5,563,911; [5] Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Uesugi et al. U.S. Patent 5,563,911; [6] Claims 6-7, 11, 14-16 and 19-20 were objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; [7] Claim 8 was allowed.

Applicant appreciates the Examiners allowance of Claim 8 and indications of allowable subject matter in Claims 6,7,11,14-16, 19,20.

### **2 CLAIM 9 OBJECTED TO DUE TO INFORMALITIES:**

Claim 9 was objected to due to the informality involving its dependency.

Applicant has amended Claim 9 to depend from Allowed Claim 8.

### **3 DISCLOSURE OBJECTED TO DUE TO INFORMALITIES:**

The disclosure was objected to due to informalities on page 9 line 7 of the specification involving the phrase 'decimator 124' which the Examiner required change to – variable TEQ 124 for consistency with the drawings and specification.

Applicant has amended the Specification accordingly.

**3-4 CLAIMS 1-5,10,12-13, 17 REJECTED UNDER 35 USC 103(a):**

Claims 1-5, 10, 12-13, 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. U.S. Patent 6,754,261 B1 in view of Uesugi et al. U.S. Patent 5, 563, 911;

Applicant has amended Independent Claims 1 and 10 to include the limitations which the Examiner found allowable in Claim 8, i.e. *"means for determining a highest usable frequency component of the received communication channel"* and *"the TEQ responsive to a determination of the highest usable frequency as set forth in the Claim"* (Office Action of 11/30/2004 at page 11). Applicant therefore respectfully requests that the rejection be withdrawn as to these claims. Remaining rejected Claims 2-5, 12-13 depend directly or indirectly from corresponding ones of amended Independent Claims 1 and 10 and are thus also believed to be placed in a condition for allowance for the reasons discussed above with respect to Claims 1,10 and for other reasons of independent significance.

**5 CLAIMS 1-5,10,12-13, 17 REJECTED UNDER 35 USC 103(a):**

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Uesugi et al. U.S. Patent 5,563,911.

Applicant has canceled Claim 18.

**6 CLAIMS 6-7, 11, 14-16, 19-20 OBJECTED TO:**

Claims 6-7, 11, 14-16 and 19-20 were objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully accepts the Examiner's acknowledgement of allowable subject matter in Claims 6-7, 11, 14-16 and 19-20. Claims 6-7 remain dependent from Claim 1 which has been amended into Independent form and to include the limitations which the Examiner found allowable in Claim 8. Claims 11, 14-16 remain dependent from Claim 10 which has been amended into Independent form and to include the limitations which the Examiner found allowable in Claim 8. Claim 20 has been amended to include the limitations from the base and intervening claims to which it originally depended. Claim 19 has been amended to depend from Claim 20. Claims 6-7, 11, 14-16 and 19-20 are thus believed to have been amended into a condition for allowance.

**7 CLAIM 8 ALLOWED:**

Applicant gratefully thanks and accepts the Examiner's allowance of Claim 8.

## CONCLUSION

In view of the above remarks, and the amendments to the Claims, Applicant respectfully submits that all remaining Claims 1-17 and 19-20 have been placed in a condition for allowance, and requests that they be allowed. Early notice to this effect is solicited.

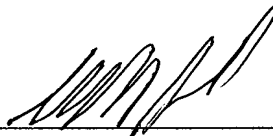
The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-1338 (Docket No. VELCP015).

Favorable consideration is respectfully solicited.

Respectfully submitted,  
IP Creators

Date: May 28, 2005

Signed: \_\_\_\_\_



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